AN ADMONITION TO THE Magistrates of England

Upon our New Settlement.

1689

I Have in some Papers dedicated to the King, under the Title, of The *True English Government*, &c. and others intituled *Of Humiliation*, &c. endeavoured to perswade the Promotion of *A Reformation* of the Degenerate and Corrupt Manners of this Nation by a Proclamation by the King, and by some better and more effectual Laws to be provided by the Parliament, as a matter which we are obliged to (besides the Common Obligations and Interest of all States, especially Christian, to take care of the Manners of the People) by divers *Special Obligations* at this time, as the Examples of the Unhappiness of the last Race of our Kings, our late Admirable Deliverance, and our late Solemn Dayes of Thanksgiving, and of Humiliation, and Dayly Common Prayers, especially during the Sitting of the Parliament, which without actual, zealous, and speedy Reformation, are all but mere Hypocrisie or Formality, & such an Abomination in the sight of Almighty God, as is more likely to provoke him to deal with us according to our own ways, to withhold his Blessing, as we neglect his Service, and let our late Great Mercy dwindle by degrees, and turn at last into a Severe Judgment, rather than procure a continuance thereof. And I therein also intimated plainly enough in the

firſt of them, the great danger there was that the Neglect of this Duty would be attended with Impediments and Diſappointments in our Counſels and Preparations. which Intimation the Event hitherto hath ſufficiently ſhewed was not altogether vain.

Theſe Papers were preſented to, and received with good Approbation by many, who had the faireſt opportunities and advantages for the promotion of ſuch a work; but yet, for any thing that hath yet been done, have been but like the Prophets Song: Not a man have I heard of that ever opened his mouth in either Houſe of Parliament for any ſuch purpoſe though ſome there have been under very ſpecial Obligations, to be concerned for it. May that be remembred, *They that honeour me I will honor; and they that diſpiſe me ſhall be lightly eſteemed.*

It remains therefore, ſince there is little hopes at preſent of any more effectual Laws for the reſtraining and reformation of thoſe Evil Manners, which the Licentiouſneſs of the two laſt Reigns had introduced or Encouraged, nor ſo much as a Proclamation to enforce the Execution of thoſe we have already, that the *Magiſtrates* will be perſwaded to do it of themſelves. And for this purpoſe I will not repeat any thing concerning thoſe ſeveral Obligations incumbent upon the whole Nation, which hath been mentioned before, and may be ſeen in the Papers before mentioned; but conſider only the *Special Obligations* of all thoſe Noblemen and Gentlemen, and whoſoever they are, who are or ſhall be in Commiſſion of the Peace, and have taken or ſhall take the *Oaths*, which all by the Laws are bound to take before they can legally act in that Office.

Of thoſe *the Oath of Allegiance or Fidelity is one*, which certainly, if well Conſidered, doth lay a Special Obligation, upon all who take it to obſerve the Laws; which is the only true and genuine Notion of Allegiance and Loyalty. But I will inſiſt only upon what is moſt Plain and obvious to the meaneſt Capacity, and that is *the Oath concerning the Office of Juſtice of the Peace*, which hath been anciently to the like

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effect that now it is. The very first words of this Oath contain enough for my present purpose and these they are:

You shall Swear that as Justice of the Peace in the County of N. *in all Articles in the Kings Commission to you directed, you shall do Equal Right to the Poor, and to the Rich, after your Cunning, Wit and Power, and after the Laws and Customs of the Realm, and Statutes thereof made,* &c.

In which words there are three things to be observed. 1 the *Matter* of the Obligation: and that is 1. in general, do Right, or Justice: 2. more particularly, to do Equal Right, without respect of Persons, to the Poor, and to the Rich. 2. the *Extent and Limitation* of it, and that is threefold: 1. In all Articles in the Kings Commission to the Justices, directed. 2. After the Lawes and Customs of the Realm, and Statutes thereof made. and, 3. Within such a Special County. 3. *The Manner*, and that is after the Cuning Wit, and Power of the Justice, according to the best of his Understanding, Skill, and Ability. For our better understanding of this our next step must be to the Articles of the Commission, the very beginingof which will be sufficient for my present design, which I shall there-set down in plain English.

Knowye, That we have assigned you joyntly and Severally, and every of you, our Justices to conserve our Peace in our County of N. And to keep, and cause to be kept, in our said County, as well within Liberties as without, All Ordinances and Statutes made for the Good of our Peace and the Conservation thereof and for the quiet Rule and Government of our People, in all and every the Articles thereof according to the Force, Form, and Effect thereof: And to Chastise and Punish all Persons in our said County offending against the Forme of those Ordinances or Statutes or any of them, as according to the Forme of those Ordinances and Statutes is to be done, &c.

And this expresseth first the *End*, for which the Commission is granted; and that is, to keep the Peace, and to keep and cause to be keept all Ordinances and Statutes, &c. and than appoints the *Means*, viz. to chastice and punish all Offenders: and so shews what Justice it is, which by the Oath

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we are obliged to do; and that is more especially the Punishment of Offences against the Laws and Statutes of this Realm, or at least Enquiry, Examination, and Commitment in order to further punishment. And this must be done first *equally* upon all Persons offending in the said County, *Omnes in Comitatu prædicto Delinquentes*, saith the Commission; *Equal Right*, without respect of Persons, *to the Poor and to the Rich*, saith the Oath. All without Exception: All are subject to those Laws, be their Quality or Estate what it will, yet are they Subject to these Laws And if I be intrusted by the King, and Sworn to God to execute the Laws, I must execute them upon all Persons, be they who they will, Civil, Military, or Ecclesiastical, who presume to transgress them, and thereby subject themselves to the Authority with which I am invested & intrusted. Be he my equal, or be he my Superior in any other respect, yet if he transgress those Laws which I am bound to Execute, and within the limits & extent of my jurisdiction, I am bound to Execute them upon him; though in all other respects I must treat him according to his Quality. Even Priviledg of Parliament extends not to Treason, Felony, and some other matters And If I must do it to those who are my Superiors, what excuse, colour or Pretence can I have not to do it to any who is my Inferior, or but my Equal?

And as it must be done equally, and indifferently, without respect of persons, so it must be done *effectually* to the utmost of his Knowledg, Skill, and Ability, who is to do it; after his Cunning, wit, and Power, as is expressed in the Oath, as fully as Words could do it. And this doth certainly imply a Competent Skill; or at least a resolution to use all diligence, industry, and Study to acquire a competent Skill for the effecual discharge of such an undertaking; as will more fully appear if we distinctly consider the *several Obligations* thereby immediatly contracted.

1. There is an Acceptance of a Trust, and *a Publick Trust*, a Trust reposed by our Country, by the hand of our Prince. This is plain in the first and second *Assignavimus*, in the words of the Commission before recited, and those which follow not far after. And if the non-performance of a Trust between

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Man and Man be a thing ſo odious and infamous as is commonly reputed, what is to be thought of the non-performance of a Publick Truſt, a Truſt repoſed by our King & Country?

2. The Acceptance of the Truſt ſubjects the Perſon to the *Command* annexed to it in the Commiſſion, in thoſe words: '*Et ideo vobis et cuilibet veſtrum mandamus*, &c. And we there-'fore command you, and every of you, that you diligently in-'tend to the Keeping of the Peace, of the Ordinances, Statutes 'and of all and ſingular the Premiſes. So that our *Fidelity and Loyalty* are plainly concerned in it, if we be Men who pretend to thoſe things: but if we be Men who indeed make Conſcience of Fidelity and true Loyalty, we know we are obliged to obey our Superiors, where they have Power to Command, not only for fear of Puniſhment, or any temporal reſpect, but for Conſcience ſake, and our Duty to God.

3. This acceptance is under the moſt Solemn Engagement that can be, the moſt Sacred Obligation of *an Oath*. And all this upon a ſuppoſition in the Superior, that the Perſon is both competently qualified, or capable of being ſo by his juſt endeavours and reſolved to the utmoſt upon the due performance of his undertaking and duty. He who is not thus reſolved, is not fit to be truſted, and is very unadviſed in his Undertaking. It is a buſineſs of that weight, that ought not lightly to be undertaken; not for the Honour or Credit of it, or to have a Power over ones Neighbours; but upon good conſideration, for the Service of God and his Country: And being once undertaken, and under ſuch Obligations, ought with all Care, Diligence and Reſolution to be performed.

Among Publick *Offences* judged worthy of the ſevereſt Animadverſions and Puniſhment, *Profanation and Contempt of their Religion* hath always been reckoned one of the Firſt by the wiſeſt even of Heathen Nations: But with us, though our Laws are too remiſs and defective in that reſpect, yet to our ſhame, being Chriſtians, it muſt be confeſsed, that our Execution for the two laſt Reigns hath been ſo much more remiſs that it hath been neglected to a plain Impunity. In hopes therefore that our Government and Execution is now committed to better hands, I ſhall tranſcribe An

An ACT to prevent and reform Prophane Swearing and Curſing.

FOR as much as all prophane Swearing and Curſing is forbidden by the Word of God, be it therefore enacted by the Authority of this preſent Parliament, that no Perſon or Perſons ſhall from henceforth prophanely ſwear or curſe: And that if any Perſon or Perſons ſhall at any time or times hereafter offend herein, either in the hearing of any Juſtice of the Peace of the County, or of any Mayor, Juſtice of the Peace, Bailiff, or head Officer of any City, or Town-corporate where ſuch offence is or ſhall be committed, or ſhall thereof be convicted by the Oaths of two Witneſſes, or by confeſſion of the party, before any ſuch Juſtice of the Peace of the County, or head Officer or Juſtice of the Peace in the City or Town-corporate, where ſuch offence is or ſhall be committed, to which end every Juſtice of the Peace, and every ſuch head Officer, ſhall have Power by this Act to miniſter the ſame Oath, that then every ſuch Offender ſhall for every time ſo offending, forfeit and pay to the Uſe of the Poor of that Pariſh where the ſame Offence is or ſhall be committed, the ſumm of twelve pence. And it ſhall alſo be lawful for the Conſtable, Church-wardens, and Overſeers of the Poor of that Pariſh by warrant from ſuch Juſtice of the Peace, or head Officer, to levy the ſame ſumm and ſumms of money, by Diſtreſs and Sale of the Offendor's Goods, rendring to the party the overplus: And in defect of ſuch Diſtreſs, the Offendor, if he or ſhe be above the Age of twelve Years, ſhall by warrant from ſuch Juſtice of the Peace or head Officer, be ſet in the Stocks by three whole Hours; but if the Offendor be under the Age of twelve Years, and ſhall not forthwith pay the ſaid ſumm of twelve pence, then he or ſhe, by warrant of ſuch Juſtice of Peace, or head Officer, ſhall be whipp'd by the Conſtable, or by the Parent or Maſter in his preſence.

And be it further enacted, that if any ſuch Offendor ſhall commence any Suit in Law againſt any Officer or other, for ſuch diſtraining, Sale of Goods, Whipping, or ſetting in the Stocks, the Defendant or Defendants may plead the General Iſſue, and give the ſpecial matter in evidence to the Jury at the Trial: And if it be found againſt the Plaintiff, or that the Plaintiff be non-ſuit, the Defendant or Defendants ſhall be allowed good Coſts, to be taxed by the Court.

Provided nevertheleſs, that every Offence againſt this Law, ſhall be complained of, and proved as abovelaid, within twenty Days after the Offence committed.

And it is alſo enacted, that this Act ſhall be read in every Pariſh-Church, by the Miniſter thereof, upon the Sunday after Evening Prayer, twice in the Year.

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This Act was made 21 *Jac.* 1. (*c.* 20.) and was then continued until the End of the first Session of the next Parliament: and 3 *Car.* 1. (*c.* 4.) it with others was continued again to the End of the first Session of the then next Parliament: and again 16 *Car.* 1. (*c.* 4.) after a long Intermission of Parliaments, until some other Act of Parliament should be made touching the Continuance or Discontinuance thereof; so that, no such Act having since been made, it continues in force, as it was at first, at this day.

The Offence to be punished by this Law is a Crime committed more immediately against the Sacred Majesty and Holiness of Almighty God; a Crime for which the Punishment here prescribed is not in the least proportionable, and therefore ought the more strictly to be exacted; a Crime whereof Men immersed in Sensuality, can hardly be made duly sensible; and therefore a certain Sign of a most depraved, inconsiderate, vain and base Mind and Spirit: *Inconsiderate* so to transgress the Laws of God and Man; to give Example of Disorder and Violation of all Laws to others; to contradict himself, his Profession of the Belief of a Deity, and the Christian Religion, and his Pretence to Loyalty and Regard to his Country; to expose his Reputation, and by his own Example to provoke and authorize Rudeness, and Disrespect, and Affronts to himself: and yet more inconsiderate, and *Vain* too, to do all this, as many do, upon so mean a Motive, as an affected Ornament of Speech and Gallantry; and so to glory in his shame: and yet further, not only vain, but base and sordid, to do it as others do, even contrary to the Dictates of his own Conscience, in compliance with such inconsiderate and vain Persons, or through Impotence, which cannot overcome so unreasonable a Habit, or Evil Custom.

But to set out the Heinousness of this Crime to the full, would take up more room than so short a Discourse as I design will admit. Nor is it necessary: For from what is said, if well considered, we may reasonably conclude it a pregnant Evidence, not only of the strange Depravation of the Humane Nature, but of its being obnoxious to the Impressions

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of ſome Apoſtate Spirit, that ſo unnatural, ſo unreaſonable, and ſo wicked a Crime, ſhould ever ſo far overſpread a Civilized and Chriſtian Nation, and not only the ruder and baſer ſort, but even thoſe who have the greateſt Advantages of Education. And if the Obligations before mentioned incumbent upon all, who undertake this Office, to execute the Laws in general againſt all Offences puniſhable by their Authority; and theſe Inſtances of the Exorbitance and Heinouſneſs of this in particular; if the Honour of God, the averting of his Judgments provoked by Connivance at ſuch preſumptuous Crimes, Commiſeration to the Souls of ſuch unhappy Perſons, as are carried away with the Prevalence of ſuch Evil Cuſtoms, and Concern for the Honour of our Laws and Government, and better State of our Country, be not ſufficient to excite Magiſtrates to a vigorous and reſolute Execution of this Act for the Suppreſſion of ſuch a Crime as this, there is little hope that any thing, which might be added, will ever do it.

There are *other preſumptuous Violations of Religion* ſo common and notorious, as is a ſhame they are permitted with ſo much Impunity in a Chriſtian State. And though the Puniſhment thereof by our Laws, be far ſhort of what they deſerve, yet certainly are they not ſo much to be imputed to the Defect of our Laws, as to the Neglect of Execution; and therefore more to the Fault of the Magiſtrate, than of the Legiſlator, be his fault what it will. But I need not ſpeak of them in particular: For they who will not be perſwaded by what I have ſaid to the faithful Diſcharge of their Duty for the Correction of this, will hardly be perſwaded to do it in thoſe: and they who have that Senſe of their Duty as to do it in this, will not be wanting to do it in the reſt. If they do but ſtudy well their Authority concerning the *Good Behaviour*, and act accordingly, ſome Good may be done.

F I N I S.

An APPENDIX TO THE ADMONITION TO THE Magistrates.

CConcerning the *Execution of the Act against Prophane Swearing*, Printed in the *Admonition*, it may be necessary to add some things:

And 1. as to *Priviledge of the Parliament*, because some Members may be as apt to transgress this Law as other Men; and some possibly may be so ill advised as to insist upon their Priviledge; and some Officers and others be afraid to do their Duty in such Case; it is fit to be known, 1. That *Information* to a Justice of Peace against a Member of Parliament for this Offence is no Breach of Priviledge: 2. Nor is a *Warrant* by a Justice of Peace *to demand* the Forfeiture; or *a Demand of the Forfeiture* by an Officer according to his Warrant, any Breach of Priviledge against a Member of Parliament. Thus far therefore they may safely go in this Case: And because the

Complaint and Proof muſt be within twenty days after the Offence committed, it will be neceſſary that they do ſo: that is, that the Juſtice make his Warrant to demand the Forfeiture, and the Officer may demand it. But if it be not paid, he may make another Warrant to diſtrain when the time of Priviledge is out; or in the mean time, upon juſt occaſion, ſend up the Warrant with the Conſtables or Church-Wardens return to the Parliament.

And this may be very fit to be done, when the Offence is committed with ſuch aggravating Circumſtances, as manifeſt it to be done wilfully and preſumptuouſly. For that being a Contempt of the Laws, and by conſequence of the Authority by which they are made, and which is far above all, of the Sacred Majeſty of Almighty God, whoſe Miniſters Legiſlators and Magiſtrates are, it is very fit to be well conſidered by the Parliament, as alſo by the Country and thoſe who choſe him, whether a perſon ſo inconſiderate and impious, as not only to contemn their Authority, but give up himſelf to a ſubſervience to the Devil in ſo groſs an Affront to Chriſtianity, and to glory in it as a piece of Bravery, be fit to be permitted to ſit in Parliament, or admitted to any Publick Employment in a Chriſtian State?

2. And for the better Execution of this Act, it may be of uſe to many to have a Precedent of a *Warrant* for this purpoſe, which I ſhall therefore here inſert:

To the Conſtable, Church-Wardens, and Overſeers of the Poor of the Pariſh of *Dale*, and to every of them.

Midd' ſſ. *WHereas* John *of* Stiles *of* Dale *in this County, ſtandeth convicted before me of Prophane Swearing and Curſing two ſeveral times within your Pariſh, ſince the five and twentieth day of* June *laſt; Theſe are therefore in Their Majeſties Names, to Charge and Command you and every of you preſently upon ſight hereof, to demand of the ſaid* John *of* Stiles, *the Sum of two Shillings, for the Uſe of the Poor of your ſaid Pariſh, according to the Form of the Statute in that Caſe made and provided: And if the ſaid* John *of* Stiles *ſhall refuſe to pay the ſame, that then you preſently Levy the ſaid two Shillings by Diſtreſs and Sale of his* Goods, *rendring unto him the Overplus, which ſhall remain upon Sale of his ſaid* Goods: *And this ſhall be your ſufficient Warrant. Given under my Hand and Seal this thirteenth day of* July, *in the 1ſt Year of the Reign of K.* William *and Q.* Mary.

And here it is to be noted, that if the Offendor be not of the Pariſh where the Offence is committed, the Officer having received a Warrant may demand the Forfeiture any where, and that done, if the Offendor hath no Goods in the ſame Pariſh to be diſtrained, the Juſtice may grant another Warrant to ſet him in the Stocks, or ſee him Whipp'd, as the caſe is, when he can be met with.

3. Although by our Laws there is no obligation upon any man to inform in ſuch caſe, which is plainly a defect; yet certainly is every man obliged both by the *Law of Nature*, and by the *Poſitive Laws of God*, to endeavour

deavour the ſuppreſſion of ſo horrid, impious and diabolical a Vice, upon all occaſions: and that is, as often as he ſhall hear this Offence committed, and have opportunity to give Information thereof to a Juſtice of the Peace. 1. By the Law of Nature: For having received our Being from, and having a Continual Dependance upon, ſo excellent a Being; and having beſides received ſuch admirable Demonſtrations, as we Chriſtians, and indeed all Man-kind, have of his Clemency and Goodneſs to us, it is impoſſible we can have a greater Obligation, than we have, to be concerned for his Honour and Service. And 2. in the Sacred Scriptures we have various Indications of his Will in that reſpect; and that he expects it from us. And if we farther conſider the ſeveral Special Obligations beforementioned, incumbent upon this whole Nation, and by conſequence, upon every perſon therein in their ſeveral places, and as they have opportunity, to do their part toward the Reformation of all that Wickedneſs, which hath ſo long prevailed among us, I do not ſee how any man who well conſiders all this, to hear the Sacred Name of God prophaned, and the Chriſtian Religion contemned and affronted by ſuch deſperate Wretches, and not complain to the Magiſtrates to have them puniſhed. But theſe things I hope will be more largely preſſed by the Clergy, when they read the Act, as they ought to do, twice in the Year.

And if upon theſe, or any other Conſiderations, the Magiſtrates be well diſpoſed to diſcharge their Duty, and others to give their aſſiſtance, by Complaints and Information, as there ſhall be occaſion, to promote ſo good a Work, there are Blank Warrants, Printed with Licenſe, for *Benj. Tooke*, and ſold by *R. Taylor*, near Stationers-Hall, *London*.

FINIS.